

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New MexicoFILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
2014 MAY 15 AM 9:12 ✓
CLERK-LAS CRUCES

United States of America

v.

Joddy Borrego et. al.

Case No.

14-1632 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 13, 2014 in the county of Luna in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 U.S.C. § 841 (a) (1)

Offense Description

Knowingly and intentionally possessing with the intent to distribute
approximately 50.5 kilograms of a marijuana.

This criminal complaint is based on these facts:

See attached statement of probable cause incorporated by reference herein.

☒ Continued on the attached sheet.

Complainant's signature

Shea Shurley, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/15/2014

Judge's signature

City and state: Las Cruces, New Mexico

William P. Lynch, U.S. Magistrate Judge

Printed name and title

United States of America

v.

Joddy Borrego

Juan Daniel Parra

Oliverio Jimenez-Gomez

Carlos Cadena-Rodriguez

On May 13, 2014, U.S. Border Patrol (USBP) agents from the Deming, NM station were conducting enforcement operations near Separ, NM. At approximately 1 a.m., agents utilizing a Forward Looking Infrared Camera (FLIR) observed two individuals walking north towards I-10. The individuals were carrying large backpacks that are indicative of narcotic trafficking. The area near Separ, NM is commonly used by alien and narcotic traffickers as it provides easy access for contraband to be picked up on I-10.

Agents further observed the two individuals hide in the brush once they arrived to I-10. Agents also observed one of the individuals approach I-10 to see the mile marker sign where they were hidden. This tactic is commonly used so the load driver will know where to go to pick up the contraband.

At approximately 4:30 a.m., agents observed a Dodge SUV vehicle stop at mile marker 41 next to where the subjects were hiding. The two individuals then picked up their backpacks, ran to the vehicle and loaded the backpacks into the vehicle and then entered the vehicle themselves. The vehicle then travelled west on I-10. Agents subsequently stopped the vehicle on I-10 and upon approach to the vehicle agents observed four occupants inside the vehicle and two bundles which were similar to marijuana bundles in the rear of the vehicle.

The driver of the vehicle, Jody Borrego, and the passenger Juan Daniel Parra, both admitted to being U.S. citizens. The passengers, Carlos Cadena-Rodriguez and Oliverio Jimenez-Gomez, both admitted to being in the United States illegally without proper documentation. All subjects were arrested and the bundles were seized.

All subjects and the bundles were transported to the Deming, NM Border Patrol Station. The four individuals were read their Miranda Rights by agents. The bundles revealed a green leafy substance inside that tested positive for the characteristics of marijuana.

Agents interviewed Borrego who was willing to answer questions without the presence of an attorney. Borrego stated that she was hired by an individual in Tucson, AZ that she only knows as El Chapo. Borrego stated that she and her boyfriend left Tucson, AZ about 12:40 a.m. and travelled towards Deming, NM with the intentions to pick up marijuana and the two backpackers. Borrego did not know how much she would be paid to do the delivery until she arrived in Tucson and met with El Chapo.

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Agents interviewed Parra and Parra refused to answer questions without the presence of an attorney. Parra was only asked biographical information for processing purposes. Parra did state, without being asked, that Borrego was only doing the job to help her brother who was in jail in Texas and she needed the money.

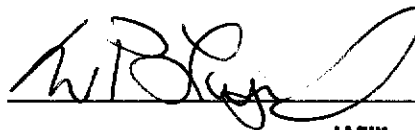
Agents interviewed Cadena who was willing to answer questions without the use of an attorney. Cadena stated that he was recruited to smuggle the marijuana while he was in Cuauhtémoc, Chihuahua, Mexico. Cadena stated that the man who recruited him had previously loaned him \$2,000 pesos. The man would later pay Cadena \$2,000 U.S. dollars for a successful delivery of the marijuana but then would take out the \$2,000 pesos as a payback. Cadena stated that when he reached I-10 he called the same individual that recruited him to tell him he was at I-10. Once the vehicle arrived Cadena stated that he and the other individual he was with loaded the marijuana into the vehicle and was then expecting a ride back to Mexico.

Agents interviewed Jimenez who was willing to answer questions without the presence of an attorney. Jimenez stated that he was approached by an unknown man in Cuauhtémoc, Chihuahua, Mexico and asked if he was interested in carrying marijuana into the United States. Jimenez was told that he would carry the marijuana to I-10 in the United States and would meet with someone in a vehicle. He would load the marijuana into the vehicle and then he would receive a ride back to Mexico. Jimenez stated that he was to be paid \$2,000 U.S. dollars for a successful delivery.

Facts of the case were discussed with AUSA Renee Camacho and she accepted prosecution for all defendants.



SA Shea Shurley



U.S. Magistrate Judge

William P. Lynch